

## **DEPARTMENT OF LAW AND PUBLIC SAFETY CODE OF ETHICS**

### **GENERAL PRINCIPLES**

The New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.) establishes specific standards of conduct for State employees and officers. In accordance with N.J.S.A. 52:13D-23, the Department of Law and Public Safety promulgates this Code of Ethics to govern the conduct of all State officers and employees as defined by N.J.S.A. 52:13D-13(b) within the Department and special State officers and employees as defined by N.J.S.A. 52:13D-13(e) within the Department.

This Code of Ethics establishes the general standards of conduct to be followed by all officers and employees within the Department of Law and Public Safety under the supervision of the Attorney General. It is applicable to all temporary and permanent personnel in the career, unclassified, and senior executive services, and it is deemed to have been accepted as a condition of employment by any individual who continues to be or becomes an officer or employee of any Division or Agency within the Department.

In addition to the purposes and goals stated in N.J.S.A. 52:13D-12 and N.J.S.A. 52:13D-23, the Department of Law and Public Safety promulgates this Code to preserve public confidence in the administration of justice and the enforcement of laws, to maintain the efficiency and morale of the Department's officers and employees, to protect the integrity of the public employment system, and to protect its officers and employees from private, commercial, economic, or political interference.

### **I. GENERAL DUTIES OF OFFICERS AND EMPLOYEES**

- A. An officer or employee shall hold office or employment as a public trust and shall strive to preserve and protect the public's confidence in the Department's fair and impartial execution of its duties and responsibilities.
- B. An officer or employee shall support the Constitution of the United States and the Constitution of the State of New Jersey and shall comply with the laws, statutes and ordinances of this State and its political subdivisions and the laws and statutes of the United States.
- C. An officer or employee shall make decisions in connection with official duties on a fair and impartial basis and without regard to race, color, sex, religion, age, handicap, national origin, marital status, affectional or sexual orientation, political affiliation, or other improper consideration.

- D. An officer or employee shall perform duties with professionalism and with courtesy to other officers and employees and the public.**
- E. An officer or employee shall hold in public trust any property owned or leased by the State, or any other property or funds entrusted to him or her in the course of his or her duties and shall exercise reasonable care to protect such property from waste, destruction, or improper use.**

## **II. DUTIES RELATED TO PERFORMANCE OF OFFICE AND EMPLOYMENT**

- A. Officers and employees shall avoid any knowing conduct that might reasonably be expected to create an impression or suspicion among the public having knowledge of their acts that they are engaged in conduct violative of the public's trust.**
- B. Officers or employees shall not use an official position to secure unwarranted privileges, benefits, or advantages for themselves or others.**
- C. Officers or employees shall not perform their official duties in any manner from which it might be reasonably inferred that the influence either of a personal relationship or of an unprofessional circumstance caused them to act in a biased or partial manner.**
- D. Officers or employees shall not act in an official capacity in any matter wherein they have a direct or indirect interest, financial or otherwise, which might reasonably be expected to impair their objectivity and independence of judgment in the discharge of their duties or to interfere with the operation of the Department.**
- E. Officers or employees shall not use Departmental personnel, property, supplies or information to in any manner further private interests or satisfy private obligations.**
- F. Officers or employees shall not disclose in the furtherance of any private interest any confidential information, not available to the public, acquired in the course of duties or by virtue of their public employment.**
- G. Officers or employees shall not falsify, or knowingly alter, destroy, or conceal any writing or record or other form of evidence required to be kept by law or regulation or Departmental policy which is entrusted to them in the course of their duties.**

### **III. OUTSIDE INTERESTS/EMPLOYMENT ACTIVITIES/ANNUAL DISCLOSURE**

- A. No officer or employee shall have any direct or indirect interest, financial or otherwise, which is in substantial conflict with the proper discharge of duties or interferes with the operation of the Department.**
- B. No officer or employee shall engage in any transaction, business, or professional activity which is in substantial conflict with the proper discharge of duties or interferes with the operation of the Department.**
- C. No officer or employee shall engage in any business, profession, trade, or occupation which is subject to licensing or regulation by a Division or Agency in the Department or any other State agency without first filing a notice of such activity with the Executive Commission on Ethical Standards and a copy of the notice with the Division or Agency Ethics Officer.**
- D. No officer or employee shall undertake any employment, self-employment, or service, whether compensated or not, which might reasonably be expected to impair the objectivity and independence of judgment required in public employment or to interfere with the operation of the Department. No State officer or employee who is an attorney and is otherwise permitted to engage in the private practice of law shall represent any party in any criminal or quasi-criminal matter or before a State licensing or regulatory body or in any other matter or litigation in which the State has an interest adverse to that of the attorney's client, whether or not the representation is for compensation.**
- E. 1. No officer or employee shall engage in outside employment or act as an independent contractor, whether or not for compensation, without first submitting a written request for approval to the Division Director or Agency Head, or designee. The approval of such outside activity shall not be unreasonably withheld. The provisions of this paragraph are not intended to supersede or conflict with any existing negotiated labor agreement which may govern an officer's or employee's rights and obligations in this area, nor are they intended to apply to special State officers or employees.**
  - 2. Every State officer or employee who is granted an approval pursuant to the provisions of Paragraph 1 shall promptly file a copy of the approval with the Executive Commission on Ethical Standards and, thereafter,**

**annually on the first day of the month of June, shall disclose in writing to the Executive Commission on Ethical Standards whether the officer or employee is still engaged in the outside employment, self-employment or other business activity. A copy of the annual disclosure shall be provided to the Division or Agency Ethics Officer. Annual disclosure to the Executive Commission on Ethical Standards shall not be required if the Division Director or Agency Head determines, at the time of the approval, that the outside employment, self-employment, or business activity is unrelated to the State officer's or employee's position with the Department.**

- F. Officers and employees are free to engage in volunteer activities on behalf of nonprofit charitable, religious, sports, professional, and other nonprofit organizations provided such activities would not reasonably be expected to cast material doubt on their objectivity and independence of judgment in the exercise of their official functions.**
- G. No officer or employee shall make use of his or her office or employment for the purpose of promoting or advertising any off-duty activity which is either prohibited or permitted by this Code.**
- H. A State officer or employee shall meet his or her responsibilities for the payment of federal, state, and local taxes and shall promptly satisfy all final judgments, liens, decrees, or similar court-ordered obligations placed upon him or her.**
- I. An officer or employee, in a private capacity, may publish any work or give any speech which would not reasonably be expected to cast material doubt on his or her objectivity and independence of judgment in the exercise of his or her official functions. When publishing any work or giving any speech in a private capacity under circumstances which identify him or her as an employee or official of this Department, a State officer or employee shall declare, in writing or orally as appropriate, that the views expressed are his or hers and do not reflect the views of the Attorney General, the Department or any other agency of State Government.**

#### **IV. GIFTS/ATTENDANCE AT CONFERENCES AND REGULATED PUBLIC EVENTS**

- A. No officer or employee shall solicit, receive, or agree to receive, whether directly or indirectly, any gift or benefit of any kind, whether or not pecuniary in nature, under circumstances from which it might be reasonably inferred that the gift or benefit was given or offered for the purpose of influencing the officer or employee in, or rewarding him or her for, the discharge of official duties or because of his or her status as a public officer or employee.**
- B. An officer or employee shall immediately report to the Department Ethics Officer any offer of employment or of any gift or benefit, whether or not pecuniary in nature, made with the purpose of influencing the performance of his or her duties or made because of his or her status as an officer or employee by a person or organization with whom the officer or employee has had contact in his or her official capacity. No such offer or gift or benefit shall be accepted or transferred by an officer or employee prior to receiving approval from the Department Ethics Officer.**
- C. Unsolicited gifts or benefits of trivial or nominal value such as complimentary articles offered to the public in general are presumed not to violate the provisions of Paragraph A or B of this section unless circumstances exist which create a reasonable doubt as to the intention with which the benefit or gift was offered.**
- D. No officer or employee shall accept reimbursement from any source other than the State of New Jersey for expenses associated with attendance at an event sponsored by a person or organization:**
  - 1. that is or may reasonably be anticipated to be subject to the regulatory, licensing, or supervisory authority of the officer's or employee's agency;**
  - 2. that is a supplier to the officer's or employee's agency;**
  - 3. that advocates or represents the positions of its members to the officer's or employee's agency; or**
  - 4. that has a majority of members who are as described in 1 through 3 of this paragraph.**

**However, subject to the approval of the Agency Head or designee and in accordance with N.J.A.C. 19:61-6.4, this prohibition need not apply if**

the event is designed to provide training, dissemination of information, or the exchange of ideas and the State official is making a speech, is participating in a panel at the event, or is an accompanying resource person for the speaker and/or participant.

- E. No officer or employee who speaks as a Department representative at an event sponsored by an entity other than a New Jersey state or local government agency, a non-New Jersey state or local government agency, or a federal agency shall agree to permit such remarks to be taped or otherwise memorialized by that entity for commercial purposes or for re-sale or for re-use without first seeking the approval of the Department and Agency Ethics Officers.**
- F. An officer or employee may accept an award or other honor given by a charitable or civic group because of the officer's or employee's public service provided the officer or employee accepts no monetary award, honorarium or stipend or other thing of value other than a plaque, trophy, or other commemorative item of nominal value and provided attendance at any event or function at which the award is made is in accordance with this Code and any other relevant guidelines issued by the Executive Commission on Ethical Standards. Notice of any such award should be given to the Division Director or Agency Head prior to its acceptance by the officer or employee.**
- G. For the purposes of this section, the term "regulated event" means an event, exhibition, or activity to which admission is charged (a) which is licensed or otherwise regulated by an officer's or employee's agency or (b) the participants in which are licensed or otherwise regulated as participants by an officer's or employee's agency.**

  - 1. An officer or employee who (a) attends a regulated event for purposes other than to perform official duties or (b) obtains tickets for the attendance of others must purchase tickets to the regulated event under the same conditions and at the same prices that are available to the general public. If the officer or employee receives tickets from any other source for his or her own attendance or for the attendance of others, such officer or employee shall, within five business days of the receipt of the ticket, disclose to the Department Ethics Officer the following information in writing: (a) the date, the location, and the nature of the event for which each ticket was received, and (b) the source from which each ticket was received.**

2. **No officer or employee subject to this section shall, directly or indirectly,**
  - (a) **accept cost-free seating at a regulated event unless in attendance to perform official duties or**
  - (b) **provide cost-free seating at a regulated event to any individual who is not an officer or employee of the agency unless that individual will be in attendance for an official business purpose which requires the individual to be seated during the regulated event and the attendance of the individual has been approved, after consultation with the Department Ethics Officer, in writing by the Division Director or Agency Head prior to the individual's attendance at the regulated event.**

## **V. POLITICAL ACTIVITIES**

- A. **No officer or employee shall engage in political activity during the hours of duty or at any other time so as to interfere with the operation of the Department of Law and Public Safety.**
- B. **No officer or employee shall directly or indirectly use or seek to use the authority or influence of his or her position to control or modify the political action of another person, to coerce contributions from other officers or employees in support of any political cause, or to interfere with or influence any political matter.**
- C. **No officer or employee shall contribute or induce another to contribute funds, personal services, or any other thing of value to a candidate for public office in a manner designed to circumvent the requirements of any statute governing contributions.**
- D. **No officer or employee shall display a political picture or sticker on any state-owned or state-leased property or wear any indicia of political affiliation while on duty or while in a uniform identifying the individual as an officer or employee.**
- E. **All Division Directors, Agency Heads, Deputy Directors, and Assistant Directors, all Assistant Attorneys General, all Deputy Attorneys General, all State officers and employees with authority to enforce the criminal**

**laws of New Jersey, and all Division of Elections officers and employees shall refrain from engaging in the following activities:**

- 1. be a candidate for or hold any elected public office or be a candidate for or hold any elected or appointed political party office or actively participate or assist in any campaign for these offices, including but not limited to, planning, hosting, being a speaker at, or otherwise actively participating in events related to such campaigns;**
- 2. organize or reorganize a political party organization or political club or be a candidate for or serve as an officer or member of any partisan political committee;**
- 3. perform any polling duties except when in the performance of his or her official duties;**
- 4. directly or indirectly solicit, receive, collect, handle, disburse, or account for assessments, or other funds for a partisan political purpose;**
- 5. publicly endorse or speak on behalf of or against the election to public office or political party office of a specific candidate or candidates or of the candidates of a particular political party in general;**
- 6. engage in any political activity in a manner which calls attention to or in any way relies on his or her status as a Division Director, Agency Head, Deputy Director, Assistant Director, law enforcement officer or employee, or Division of Elections officer or employee; or**
- 7. engage in any activity prohibited by this Section through any group, association, corporation or organization of which the majority of members are subject to the provisions of this section or as a representative of any group, association, corporation or organization regardless of whether the majority of the members are subject to this section.**

**A covered officer or employee is not prohibited from voting, making political contributions when otherwise permitted to do so, privately expressing partisan political preferences, or attending political functions in a private capacity.**



**No officer or employee of the Division of Elections shall make any contribution to a political party or candidate, attend any political fundraising event, or sign any nomination petition in support of a State or Federal candidate for elective office.**

- F. All other State officers and employees who intend to be a candidate for or hold any elected or appointed public or political party office shall give written notice of such activity to the Division Director or Agency Head.**
- G. Any officer or employee whose principal employment with the Department is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal Agency shall not engage in political activities that would violate the Hatch Act.**

**When used in this Section, "political activity" means activity primarily aimed at affecting the election to public office or political party office of a specific candidate or candidates or of the candidates of a particular political party in general.**

## **VI. SPECIAL OBLIGATIONS OF ATTORNEYS EMPLOYED BY THE DEPARTMENT**

**As used in this section, the term attorney shall include any Assistant Attorney General, Deputy Attorney General or any other attorney holding office or employment with the Department whose duties include the rendering of legal advice, legal analysis, or other legal services in connection with the business and duties of the Department.**

- A. Attorneys shall conduct themselves in accordance with every affirmative duty and obligation imposed by the New Jersey Rules of Professional Conduct and other court rules and directives or statutes governing the conduct of attorneys.**
- B. Attorneys shall not represent any party other than the State of New Jersey, or engage in the private practice of law in any other way, whether or not the attorney receives compensation, except that attorneys may without compensation represent themselves or their spouses, children, or parents with the approval of the Attorney General or designee to the extent permitted by III-D. Representation of the designated family members shall also be limited to matters which are not of an adversarial nature.**

- C. Deputy and Assistant Attorneys General are expected to devote their full attention to official duties and to be available for work outside of normal office hours as their caseload requires and in emergent situations. However, with the approval of the Attorney General or designee, any attorney may engage in limited outside employment or provide services as an independent contractor that do not involve the private practice of law or the provision of other legal services, provided the employment or services will not interfere with the performance of the attorney's duties, including the attorney's ability to respond to unanticipated caseload and emergent time demands. An attorney may receive reasonable compensation for such services. Requests for approval shall be submitted in writing to the attorney's Division Director who shall forward the request along with a recommendation to the Department Ethics Officer for review by the Attorney General. Renewed approvals of such outside activity must be sought annually from the Attorney General.
- D. 1. An attorney, in a private capacity, may be a member of, hold any leadership position in, or participate in the activities of any bar or professional organization devoted to the improvement of the law, the legal system, the administration of justice, or the enhancement of the skills and professionalism of the members of the bar, subject to Section III-F of the Code. Such attorney may also serve on the editorial board of, or contribute written work to, publications of such organizations or of other legal or professional publications, subject to the provisions of Sections III-I and VI-C of the Code.
2. An attorney may also be designated by the Attorney General, Division Director or Agency Head to engage in such activities in an official capacity.

## **VII. DISCLOSURE/ASSISTANCE**

- A. It shall be the duty of an officer or employee to refrain at all times from any criminal conduct and to cooperate with law enforcement officers in the proper performance of their official duties.
- B. It shall be the duty of a State officer or employee who is aware of conduct by himself or herself or any other officer or employee in the

**Department which violates this Code of Ethics, State, or federal law to disclose the conduct to the Department Ethics Officer.**

**In situations where the conduct of an officer or employee in the Department involves potential criminality, disclosure should be made to the Director of the Criminal Justice Division who shall initiate, if necessary, a confidential investigation and inform the Department Ethics Officer or other relevant supervisor of the conduct at the appropriate time.**

- C. It shall be the duty of a State officer or employee who reasonably believes any activity, policy, or practice of the Department is in violation of a law, or a rule or regulation promulgated pursuant to law, or is fraudulent or criminal, or is incompatible with a clear mandate of public policy concerning the public health, safety, or welfare to disclose the activity, policy, or practice to the Department Ethics Officer pursuant to the provisions of the Conscientious Employee Protection Act, N.J.S.A. 34:19-1 et seq.**
- D. It shall be the duty of an officer or employee charged with a crime or charged with an offense or motor vehicle violation that would adversely impact on the performance of duties to report the charge to the Division or Agency Ethics Officer.**
- E. It shall be the duty of a State officer or employee who intends to testify on behalf of an accused in a criminal action, or on behalf of a party that is an adversary to the State of New Jersey in a civil action, to promptly notify the Division or Agency Ethics Officer.**
- F. An officer or employee who has a reasonable doubt as to the propriety under this Code or other Department regulation or policy or under the New Jersey Conflicts of Interest Law of any action shall seek the assistance of the Division or Agency Ethics Officer or the Department Ethics Officer to resolve the doubt before taking the action. Such assistance shall also be sought when reasonable doubt exists as to the application or meaning of any provision of this Code or the New Jersey Conflicts of Interest Law.**
- G. Any disclosure, notification, reporting, or requests for assistance or advice required by the provisions of this section shall be made by the officer or employee in the form of a written explanation of all relevant circumstances and details. In appropriate matters, the Division Director or Agency Head shall request the Department Ethics Officer to seek, on**

behalf of the employee or the Department, a formal advisory opinion from the Executive Commission on Ethical Standards.

#### **VIII. PENALTIES**

Persons who violate the provisions of this Code of Ethics shall be subject to removal, suspension, demotion, or other disciplinary action by the Department and may also be subject to investigation by the Executive Commission on Ethical Standards and the penalties presently provided in N.J.S.A. 52:13D-21 or in any analogous statute subsequently provided by legislative action.

Any paraphrased restatements of criminal or civil statutes contained in this Code of Ethics in no way constitute an interpretation or construction of them that is binding upon the Department of Law and Public Safety or the State of New Jersey. This Code does not purport to paraphrase or enumerate all restrictions or requirements imposed by statutes, Executive Orders, regulations, or directives issued by the Attorney General on State officers and employees and special State officers and employees. Nothing herein is intended to limit the authority of the Attorney General or the Commissioner of Personnel to impose or administer discipline on a Department employee pursuant to the laws, rules, and regulations governing the status and discipline of officers and employees or to modify or abridge standards of conduct imposed by statute or law on the officers and employees of any division or agency in the Department.

#### **IX. EFFECTIVE DATE**

This Department Code of Ethics, subject to the approval of the Executive Commission on Ethical Standards, shall take effect immediately and supersedes any previously promulgated Department Code of Ethics.

Formally approved by the Executive Commission on Ethical Standards on February 15, 1989. Amended and formally approved on November 29, 1989. Amended Section V (Political Activities) formally approved by the Executive Commission on Ethical Standards on September 17, 1992. Amended Sections I-C, III-D and E, IV, and VI-B and C formally approved on February 24, 1993. Amended and formally approved on June 27, 1996. Amended Section V (Political Activities) and formally approved on June 29, 1999. Amended Section V (Political Activities) and formally approved on October 16, 2002.